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**FACSIMILE TRANSMITTAL**

**TO:** Examiner Brian Szmal  
U.S. Patent and Trademark Office

**FAX NO:** 703.872.9306

**PHONE NO:** 571.272.4733

**SUBJECT:** U.S. Application No. 09/977,289

**Attorney Docket No.** 06530.0145-02

**DATE:** June 9, 2005

**FROM**

Name: Michael W. Kim  
Fax # Verified by: MWK MD 878

Phone No.: 202.408.4449  
# Pages (incl. this): 22

**Confirmation Copy to Follow: No**

**Message:**

**CERTIFICATE OF TRANSMISSION UNDER 37 C.F.R. § 1.8**

I hereby certify that the attached papers:

- Resubmission of Information Disclosure Statement (2 pages) including a copy of the Information Disclosure Statement Under 37 C.F.R. § 1.97(b) (2 pages) and Form PTO 1449 (6 pages) that was filed in the U.S. Patent and Trademark Office on November 28, 2001, and a copy of the date-stamped PTO receipt postcard showing receipt on November 28, 2001 of the Information Disclosure Statement and Form PTO 1449 (1 page); and
- Copy of document entitled "Quinton 'Model 4.7mm Multipurpose Biopsy Tube' operator manual," (10 pages); are being transmitted by facsimile to the U.S. Patent and Trademark Office on the above-identified date.



Michael W. Kim  
Reg. No. 51,880

**If there is a problem with this transmission, notify fax room at (202) 408-4174 or the sender at the number above.**

This facsimile is intended only for the individual to whom it is addressed and may contain information that is privileged, confidential, or exempt from disclosure under applicable law. If you have received this facsimile in error, please notify the sender immediately by telephone (collect), and return the original message by first-class mail to the above address.

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PATENT  
Customer No. 22,852  
Attorney Docket No. 6530.0145-02

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: )  
VINCENT TURTURRO et al. ) Group Art Unit: 3736  
Serial No.: 09/977,289 ) Examiner: SZMAL, BRIAN SCOTT  
Filed: October 16, 2001 )  
For: BIOPSY INSTRUMENT HAVING ) Confirmation No. 3612  
IRRIGATION AND ASPIRATION )  
CAPABILITIES )

**Mail Stop Issue Fee**  
Commissioner for Patents  
P.O. Box 1450  
Arlington, VA 22313-1450

Sir:

**RESUBMISSION OF INFORMATION DISCLOSURE STATEMENT FILED**  
**NOVEMBER 28, 2001 UNDER 37 C.F.R. § 1.97(b)**

In the Form PTO 1449 returned to Applicants on October 22, 2003, the item under Other Documents entitled "Quinton, 'Model 4.7mm Multipurpose Biopsy Tube' operator manual, 10 pages" was crossed out, despite the fact that under the provisions of 37 C.F.R. § 1.98(d) and M.P.E.P. § 609(III), because the aforementioned document was of record in prior Application No. 09/079,168, filed May 15, 1998, upon which Applicants rely for the benefits provided in 35 U.S.C. § 120, the document was properly not enclosed.

Nevertheless, in order to afford the Examiner another opportunity to properly consider the reference, Applicants resubmit a copy of the Information Disclosure Statement Under 37 C.F.R. § 1.97(b) and Form PTO 1449 that was filed in the U.S.

Application No. 09/977,289  
Attorney Docket No. 06530.0145-02  
Resubmission of Information Disclosure Statement - June 9, 2005

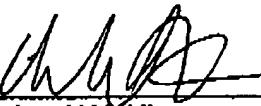
Patent and Trademark Office on November 28, 2001, prior to the issuance of the Notice of Allowance dated March 28, 2005. A copy of the date-stamped PTO receipt postcard showing receipt on November 28, 2001 of the Information Disclosure Statement and Form PTO 1449 is also attached. Accordingly, because the Information Disclosure Statement Under 37 C.F.R. §1.97(b) was timely submitted prior to the issuance of the Notice of Allowance, Applicants respectfully request consideration of the aforementioned reference listed on the Form PTO 1449 and the return of the appropriate portion of the Form PTO 1449 with notations indicating that the aforementioned reference had been considered. For the Examiner's convenience, a copy of the aforementioned reference is attached.

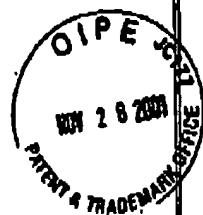
If there is any other fee not already accounted for and due in connection with the filing of this Resubmission, please charge the fee to our Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,  
GARRETT & DUNNER, L.L.P.

Dated: June 9, 2005

By:   
Michael W. Kim  
Reg. No. 51,880



1-10-02  
#2103

PATENT

Customer No. 22,852  
Attorney Docket No. 6530.0145-02

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: )  
 Vincent TURTURRO et al. ) Group Art Unit: 3736  
 Application No.: 09/977,289 ) Examiner: TO BE ASSIGNED  
 Filed: October 16, 2001 )  
 For: BIOPSY INSTRUMENT HAVING )  
 IRRIGATION AND ASPIRATION )  
 CAPABILITIES )

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Commissioner for Patents and Trademarks  
Washington, DC 20231

Sir:

**INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. § 1.97(b)**

Pursuant to 37 C.F.R. §§ 1.56 and 1.97(b), applicants bring to the attention of the Examiner the documents listed on the attached PTO 1449. This Information Disclosure Statement is being filed within three months of the filing date of the above-referenced application.

Copies of the listed documents were previously submitted by applicants or cited by the Examiner in a prior application, application no. 09/079,168, filing date May 15, 1998, upon which applicants rely for the benefits provided in 35 U.S.C. § 120. Applicants respectfully request that the Examiner consider the listed documents and indicate that they were considered by making appropriate notations on the attached form. If the Examiner is unable to find any of the cited references, please call applicants' representative at (202) 408-6058 and she will gladly supply a copy.

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This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that each or all of the listed documents are material or constitute "prior art." If the Examiner applies any of the documents as prior art against any claim in the application and applicants determine that the cited documents do not constitute "prior art" under United States law, applicants reserve the right to present to the office the relevant facts and law regarding the appropriate status of such documents.

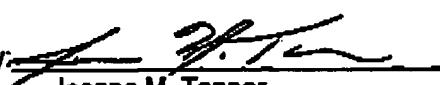
Applicants further reserve the right to take appropriate action to establish the patentability of the disclosed invention over the listed documents, should one or more of the documents be applied against the claims of the present application.

If there is any fee due in connection with the filing of this Statement, please charge the fee to our Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,  
GARRETT & DUNNER, LLP.

Dated: November 27, 2001

By: 

Jeanne M. Tanner  
Reg. No. 45,156

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OMB No. 0651-0011

## INFORMATION DISCLOSURE CITATION

Atty. Docket No. 6530.0146-02	Serial No. 09/977,289
Applicant Vincent TURTURRO et al.	
Filing Date October 16, 2001	Group: 3736

U.S. PATENT DOCUMENTS					
Examiner Initial*	Document Number	Issue Date	Name	Class	Sub Class
OTP 3576	Re 33,258	07/10/90	Onik et al.	—	—
DM	2,708,437	05/17/55	Hutchins	—	—
DM	3,173,414	03/19/65	Gullant	—	—
DM	3,289,669	12/06/66	Dwyer et al.	—	—
DM	3,401,684	09/17/68	Dremann	—	—
DM	3,590,808	07/06/71	Muller	—	—
DM	3,732,858	05/15/73	Banko	—	—

FOREIGN PATENT DOCUMENTS						
	Document Number	Publication Date	Country	Class	Sub Class	Translation Yes or No
DM	92/07516	05/1992	PCT	—	—	
DM	526115	02/1993	EPO	—	—	
DM	4135554	05/1992	Japan-Nishigaki	—	—	Abstract
DM	0 317 528	05/24/89	EPO	—	—	
DM	96/22056	07/25/96	PCT	—	—	
DM	0 890 339 A1	01/13/99	EPO	—	—	

OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)	
DM	510K application communications between Department of Health & Human Services and William Z. Kolozsi, M.D., relating to Triton Technologies Multiple Biopsy Device, dated March 11, 1991 through May 1, 1991, 27 pages
DM	Quinton, "Model 4.2mm Multipurpose Biopsy Tube" operator manual, 10 pages

Examiner David J. Crosby	Date Considered 10/16/03
*Examiner: Initial if reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.	
Form PTO 1449	Patent and Trademark Office - U.S. Department of Commerce

OMB No. 0651-0011

**INFORMATION DISCLOSURE CITATION**

Atty. Docket No.	6530.0145-02	Serial No.	09/977,269
Applicant	Vincent TURTURRO et al.		
Filing Date	October 16, 2001	Group:	3736

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## U.S. PATENT DOCUMENTS

Examiner Initials	Document Number	Issue Date	Name	Class	Sub Class	Filing Date if Applicable
DM	3,964,468	06/19/76	Schultz			
DM	3,980,086	09/14/76	Kletschka et al.			
DM	3,989,033	11/02/76	Halpern et al.			
DM	3,989,049	11/02/76	Yoon			
DM	3,992,565	11/16/76	Gatfield			
DM	4,014,333	03/29/77	McIntyre			
DM	4,200,111	04/29/80	Hamis			
DM	4,282,884	08/11/81	Boebel			
DM	4,445,517	05/01/84	Feild			
DM	4,519,385	05/28/85	Atkinson et al.			
DM	4,522,208	06/11/85	Whipple et al.			
DM	4,617,013	10/14/86	Betz			
DM	4,632,110	12/30/86	Sanagi			
DM	4,644,951	02/24/87	Baya			
DM	4,646,751	03/19/87	Maslanka			
DM	4,651,753	03/24/87	Lifton			
DM	4,662,371	05/05/87	Whipple et al.			
DM	4,681,123	07/21/87	Valtchev			
DM	4,693,257	09/19/87	Markham			
DM	4,712,545	12/15/87	Honkanen			
DM	4,759,349	07/26/88	Betz et al.			

Examiner <i>David McCloskey</i>	Date Considered <i>10/16/03</i>
*Examiner: Initial if reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.	

OMB No. 0651-0011

## INFORMATION DISCLOSURE CITATION

Atty. Docket No.	6530.0145-02	Serial No.	09/977,289
Applicant	Vincent TURTURRO et al.		
Filing Date	October 16, 2001	Group:	3736

U.S. PATENT DOCUMENTS						
Examiner Initial*	Document Number	Issue Date	Name	Class	Sub Class	Filing Date If Appropriate
DM	4,763,668	08/1988	Macek et al.			
DM	4,776,840	10/11/88	Freitas et al.			
DM	4,785,825	11/22/88	Romaniuk et al.			
DM	4,881,550	11/21/89	Kothe			
DM	4,909,782	03/20/90	Semm et al.			
DM	4,919,152	04/24/90	Ger			
DM	4,924,651	05/15/90	Ognier et al.			
DM	4,950,278	08/21/90	Sachse et al.			
DM	4,944,093	07/31/90	Falk			
DM	4,953,559	09/04/90	Salerno			
DM	4,966,162	10/30/90	Wang			
DM	4,971,067	11/20/90	Bolduc et al.			
DM	4,973,311	11/27/90	Iwakoshi et al.			
DM	4,976,723	12/11/90	Schad			
DM	4,988,825	01/22/91	Bays et al.			
DM	5,082,000	01/21/92	Picha et al.			
DM	5,085,658	02/04/92	Meyer			
DM	5,106,364	04/21/92	Hayafuji et al.			
DM	5,112,346	05/12/92	Hildebrandt et al.			
DM	5,125,910	06/30/92	Freitas			
DM	5,147,292	09/15/92	Kullas et al.			

Examiner <i>David McCrory</i>	Date Considered 10/16/03
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\*Examiner: Initial if reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

OMB No. 0651-0011

## INFORMATION DISCLOSURE CITATION

Atty. Docket No.	6530.0145-02	Serial No.	09/977,289
Applicant	Vincent TURTURRO et al.		
Filing Date	October 16, 2001	Group:	3736

U.S. PATENT DOCUMENTS						
Examiner Initial*	Document Number	Issue Date	Name	Class	Sub Class	Filing Date If Appropriate
QPE	5,152,780	10/06/92	Honkanen et al.	→	→	
DM	5,160,343	11/03/92	Brancel et al.	→	→	
DM	5,171,255	12/15/92	Rydell	→	→	
DM	5,172,700	12/22/92	Bencini et al.	→	→	
DM	5,176,629	01/05/93	Kullas et al.	→	→	
DM	5,186,714	02/16/93	Boudreault	→	→	
DM	5,195,533	03/23/93	Chin et al.	→	→	
DM	5,195,959	03/23/93	Smith	→	→	REC'D DEC-3 MAIL ROOM
DM	5,195,958	03/23/93	Phillips	→	→	RECEIVED DEC-3 MAIL ROOM
DM	5,197,963	03/30/93	Parins	→	→	
DM	5,197,968	03/30/93	Clement	→	→	
DM	5,209,747	05/11/93	Knoepfier	→	→	
DM	5,217,460	06/08/93	Knoepfier	→	→	
DM	5,219,357	06/16/93	Honkanen et al.	→	→	
DM	5,230,704	07/27/93	Moberg et al.	→	→	
DM	5,244,459	09/14/93	Hill	→	→	
DM	5,251,641	10/12/93	Xavier	→	→	
DM	5,285,795	02/15/94	Ryan et al.	→	→	
DM	5,286,255	02/15/94	Weber	→	→	
DM	5,300,087	04/05/94	Knoepfier	→	→	
DM	5,312,327	05/17/94	Bales et al.	→	→	

Examiner <u>David Mcclusky</u>	Date Considered <u>10/16/03</u>
*Examiner: Initial if reference considered, whether or not citation is in conformance with MPEP 608; draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.	
Form PTO 1449	Patent and Trademark Office - U.S. Department of Commerce

OMB No. 0651-0011

## INFORMATION DISCLOSURE CITATION

Atty. Docket No.	6530.0145-02	Serial No.	09/977,289
Applicant	Vincent TURTURRO et al.		
Filing Date	October 16, 2001	Group:	3736

U.S. PATENT DOCUMENTS						
Examiner Initial*	Document Number	Issue Date	Name	Class	Sub Class	Filing Date if Appropriate
DM	5,312,400	05/17/94	Bales et al.	1		
DM	5,314,406	05/24/94	Arias et al.	1		
DM 10/28/2001	5,325,866	07/05/94	Krzyzanowski	1		
DM TRADEMARK	5,336,238	08/19/94	Holmes et al.	1		
DM	5,344,428	09/19/94	Griffiths	1		
DM	5,417,709	05/23/95	Slater	1		
DM	5,419,774	05/30/95	Willard et al.	1		
DM	5,456,689	10/10/95	Kresch et al.	1		
DM	5,471,992	12/05/95	Banik et al.	1		
DM	5,505,210	04/09/96	Clement	1		10/31/00 MAIL ROOM
DM	5,526,822	06/19/96	Burbank et al.	1		DEC-3-2001
DM	5,527,332	06/18/96	Clement	1		RECEIVED
DM	5,538,008	07/23/96	Crowe	1		
DM	5,542,432	08/06/96	Slater et al.	1		
DM	5,551,448	09/03/96	Matula et al.	1		
DM	5,562,102	10/08/96	Taylor	1		
DM	5,562,640	10/08/96	McCabe et al.	1		
DM	5,569,299	10/29/96	Dill et al.	1		
DM	5,573,008	11/12/96	Robinson et al.	1		
DM	5,575,293	11/19/96	Miller et al.	1		
DM	5,593,416	01/14/97	Donahue	1		

Examiner	<i>David McCloskey</i>	Date Considered	<i>10/16/03</i>
*Examiner: Initial if reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.			
Form PTO 1449	Patent and Trademark Office - U.S. Department of Commerce		

OMB No. 0651-0011

## INFORMATION DISCLOSURE CITATION

Alty. Docket No.	6530.0145-02	Serial No.	09/977,289
Applicant	Vincent TURTURRO et al.		
Filing Date	October 16, 2001	Group:	3736

Examiner Initials	Document Number	Issue Date	Name	Class	Sub Class	Filing Date if Appropriate
015	5,595,185	01/21/97	Erlich			
DM	5,599,345	02/04/97	Edwards et al.			
DM	5,601,585	02/11/97	Banik et al.			
DM TRADEMARK OFFICE	5,601,572	02/11/97	Middleman et al.			
DM	5,601,601	02/11/97	Tal et al.			
DM	5,603,724	02/16/97	O'Connor			
DM	5,607,391	03/04/97	Klinger et al.			C 2700 DEC 3 2001 RECEIVED
DM	5,620,415	04/15/97	Lucey et al.			MAIL 2001
DM	5,636,639	06/10/97	Turturro et al.			2001
DM	5,638,827	06/17/97	Palmer et al.			
DM	5,645,075	07/08/97	Palmer et al.			
DM	5,683,359	11/04/97	Farkas et al.			
DM	5,683,388	11/04/97	Slater et al.			
DM	5,715,832	02/10/98	Koblish et al.			
DM	5,766,134	06/16/98	Lisak et al.			
DM	5,810,876	08/22/98	Kelleher			
DM	6,017,316	01/25/00	Ritchart et al.			
DM	6,050,955	04/18/00	Bryan et al.			
DM	6,083,150	07/04/00	Aznoian et al.			

Examiner	David McEvily	Date Considered	10/16/03
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\*Examiner: Initial if reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

Form PTO 1449	Patent and Trademark Office - U.S. Department of Commerce
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